

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

02/18/2004 HMARZ11 00000048 161150 10776767

01 FC:1001 770.00 DA
02 FC:1201 86.00 DA

Adjustment date: 06/18/2004 SDIRETA1
02/18/2004 HMARZ11 00000048 161150 10776767
01 FC:1001 770.00 CR
02 FC:1201 86.00 CR

06/18/2004 SDIRETA1 00000030 161150 10776767

01 FC:2001 365.00 DA
02 FC:2201 43.00 DA

PTO-1556
(5/87)

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EXPRESS MAIL NO.: EV335859977US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 MAY 17 PM 12:47

Application of: Casida *et al.* Confirmation No.: 3630
Application No.: 10/776,767 Art Unit: 1645
Filed: February 10, 2004 Examiner: To be assigned
For: NON-OBLIGATE PREDATOR Attorney Docket No.: 8014-020-999
BACTERIUM BURKHOLDERIA
CASIDAE AND USES THEREOF

REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.28(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Refund Section, Accounting Division


Sir:

A fee for filing the above-identified application in excess of the required fee has been paid. In particular, a filing fee of \$856.00 was timely paid from Deposit Account No. 16-1150 on February 10, 2004, of which \$428.00 was in excess of the amount required. Submitted concurrently herewith is an Assertion of Small Entity Status Pursuant to 37 C.F.R. § 1.27(c)(2)(i). Applicants hereby request a refund of the excess amount within three months of its payment.

Accordingly, please refund the excess by crediting \$428.00 to Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: May 10, 2004


Geraldine F. Baldwin 31,232
JONES DAY (Reg. No.)
222 East 41st Street
New York, New York 10017-6702
(212) 326-3939

Enclosure

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DEP & Rct Room 307

EXPRESS MAIL NO.: EV335859977US

STATUS AND ENTRY
BRANCH

2004 MAY 17 PM 12:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: Casida *et al.*

Confirmation No.: 3630

Application No.: 10/776,767

Art Unit: 1645

Filed: February 10, 2004

Examiner: To be assigned

For: NON-OBLIGATE PREDATOR
BACTERIUM BURKHOLDERIA
CASIDAE AND USES THEREOF

Attorney Docket No.: 8014-020-999

**REQUEST TO ESTABLISH SMALL ENTITY STATUS AND TRANSMITTAL OF
ASSERTION OF SMALL ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.27(c)(2)(i)
AND REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.28(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Refund Section, Accounting Division

Sir:

Attorneys for Applicants request that Small Entity Status be established for the above-identified patent application and submit herewith an Assertion of Small Entity Status Pursuant to 37 C.F.R. § 1.27(c)(2)(i). It is requested that this document be made of record in the file of the above-identified patent application.

A filing fee in excess of the required fee has been paid in connection with the subject patent application. In particular, a fee of \$856.00 has been paid. This application is a continuation of U.S. Application No. 09/985,846, which is assigned of record from the inventor Lester E. Casida, Jr. to The Penn State Research Foundation by virtue of an assignment recorded at Reel 9939, Frame 0919 on May 10, 1999; and from the inventors Joseph O. Falkinham, III and Cody C. Cain to Virginia Polytechnic Institute and State University by virtue of an assignment recorded at Reel 9939, Frame 0911 on May 10, 1999, and from Virginia Polytechnic Institute and State University to Virginia Tech Intellectual Properties, Inc. by virtue of an assignment recorded at Reel 9940, Frame 0284 on May 10, 1999. The Penn State Research Foundation and Virginia Tech Intellectual Properties, Inc. both qualify as a small entity under 37 C.F.R. § 1.27(a)(2)(i) and, therefore, a fee of only

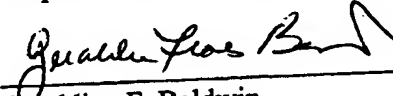
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\$428.00 is required. Pursuant to 37 C.F.R. § 1.27(c)(2)(i), an Assertion of Small Entity
Status executed by Attorneys for Applicants is enclosed herewith. STATUS AND ENTITY
BRANCH
2004 MAY 17 PM 12:46

Please refund the excess by crediting \$428.00 to Deposit Account No. 16-1150. A
duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: May 10, 2004


Geraldine F. Baldwin 31,232
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STATUS AND ENTITY
BRANCH

\$428.00 is required. Pursuant to 37 C.F.R. § 1.27(c)(2)(i), an Assertion of Small Entity

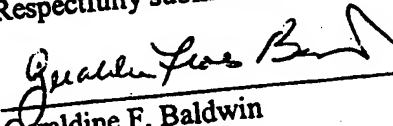
2004 MAY 17 PM 12: 46

Status executed by Attorneys for Applicants is enclosed herewith.

Please refund the excess by crediting \$428.00 to Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: May 10, 2004


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Application of: Casida *et al.*

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BACTERIUM BURKHOLDERIA
CASIDAE AND USES THEREOF

Attorney Docket No.: 8014-020-999

ASSERTION OF SMALL ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.27(c)(2)(i)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

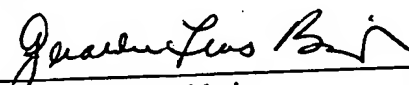
Attention: Refund Section, Accounting Division

Sir:

The above-identified patent application is entitled to small entity status. Accordingly, Attorneys for Applicants respectfully request that small entity status be accorded to the above-identified patent application for refund of filing fees.

Respectfully submitted,

Date: May 10, 2004


Geraldine F. Baldwin 31,232
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222 East 41st Street
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